

REMARKS

In the Office Action dated April 21, 2003, claims 1 – 2, 8 and 9 were rejected under 35 USC § 102 as being anticipated by U.S. Patent No. 5,688,261 and claims 3 – 7 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,688,261.

The amendments and remarks as presented here are believed to place the case in condition for allowance. Accordingly, entry of these amendments, reconsideration and allowance is respectfully requested. With this response claims 10 - 45 are pending herein.

The Amendments

Amendment of the specification is requested to insert “that” before “is highly durable” on page 2, line 17. The requested amendment corrects an obvious clerical error and improves clarity. No new matter is added.

Amendment of page 3, line 23 of the specification is requested to change the recitation of “200 m” to recite “200 μ m.” The requested change is supported by the discussion of exemplary spherical lenses having a range of focal lengths on page 3, lines 16 – 21. The requested amendment corrects a typographical error and improves consistency in the specification. No new matter is added.

Amendment of page 7, line 21 of the specification is requested to change the recitation of “Figure 3 illustrates” to recite “Figures 3A and 3B illustrate.” The requested amendment corrects an obvious clerical error and improves clarity. No new matter is added.

Amendment of page 8, line 16 of the specification is requested to change the recitation of “probe tip 220” to recite “probe tip 210.” Support for the requested

amendment is provided by the discussion of Figures 3A and 3B beginning on page 7, line 21 and ending on page 8, line 19. The requested amendment corrects an obvious typographical error and improves consistency in the specification. No new matter is added.

Amendment of claim 10 is requested to change "openings" to "opening" and to change ";" to ".". The requested amendment corrects an obvious grammatical error and does not introduce any new matter.

Amendment of claims 11, 13, 19, 22, 27, 29 33 and 38 is requested to change the recitation "is chosen from the group consisting of" to recite "is selected from the group consisting of." In addition, amendment of claim 29 is requested to change the recitation "or a gasket" to recite "and a gasket." The requested amendments adopt language for Markush group claims recommend in MPEP § 2173.05(h). The requested amendment improves clarity and does not introduce any new matter.

Amendment of claims 18 and 32 is requested to change the recitation "and instrument" to recite "an instrument." the requested amendment corrects an obvious typographical error, improves antecedent basis and does not introduce any new matter.

New claim 44 depends from allowed claim 10 and has been added to more particularly point out and distinctly claim the present invention. Support for new claim 40 is provided in the discussion of the optical characteristics of exemplary spherical lenses of the present invention on page 3, lines 16 - 21. New claim 44 does not add new matter.

New claim 45 depends from allowed claim 10 and has been added to more particularly point out and distinctly claim the present invention. Support for new claim 45 is provided in the discussion the application of the present invention to Raman spectroscopy in Examples 1 - 4 on pages 9 - 13. New claim 45 does not add new matter.

Appl. No. 10/055,625
Amdt. dated August 21, 2003
Reply to Office Action of April 21, 2003

Rejections under 35 U.S.C. §§ 102 & 103

In the Office Action of April 21, 2003, the Examiner rejected claims 1,2,8 and 9 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,688,261 and rejected claims 3 – 7 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,688,261. Applicants respectfully disagree with this rejection. In order to expedite prosecution of the present application, however, claims 1 - 9 are cancelled without prejudice. Accordingly, withdrawal of the Examiner's rejection is respectfully requested.

CONCLUSION

In view of the foregoing, this case is considered to be in condition for allowance and passage to issuance is respectfully requested. It is believed that a one-month extension of time is required for this submission. Accordingly, a petition for a month extension of time and a check for \$ 55.00 are included with this response. If this is incorrect, please deduct the appropriate fee for this submission and any extension of time required from Deposit Account No. 07-1969.

Respectfully submitted,



Stephen B. Barone
Reg. No. 53,968

GREENLEE, WINNER AND SULLIVAN, P.C.
5370 Manhattan Circle, Suite 201
Boulder, CO 80303
Telephone: (303) 499-8080
Facsimile: (303) 499-8089
E-mail: winner@greenwin.com

Attorney docket No. 10-01
lla: August 21, 2003